

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

**ALAIN CASTILLO AND
JESSICA CASTILLO,**

Plaintiffs,

V.

STATE FARM LLOYDS

Defendant.

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No. _____

JURY DEMAND

DEFENDANT STATE FARM LLOYDS' NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, State Farm Lloyds ("State Farm" or "Defendant") files this Notice of Removal to the United States District Court for the Northern District of Texas, Abilene Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

I.

FACTUAL AND PROCEDURAL BACKGROUND

1. On February 18, 2015, Plaintiffs Alain Castillo and Jessica Castillo filed their Original Petition in the matter styled *Alain Castillo and Jessica Castillo v. State Farm Lloyds*, Cause No. 26262-B, in the 104th Judicial District Court in and for Taylor County, Texas. The lawsuit arises out of a claim Plaintiffs made for damages to their home under a homeowner's insurance policy with State Farm Lloyds.

2. Plaintiffs served State Farm with a copy of the Original Petition on or about March 5, 2015. *See* Exhibit G.

3. State Farm files this notice of removal within 30 days of receiving Plaintiffs' pleading. *See* 28 U.S.C. §1446(b). In addition, this Notice of Removal is being filed within one year of the commencement of this action.

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. §1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiffs.

5. As required by 28 U.S.C. § 1446(a) and Rule 81.1 of the Local Rules, simultaneously with the filing of this notice of removal, attached hereto as Exhibit "A" is an Index of State Court Documents, a copy of the Docket Sheet is attached as Exhibit "B," a copy of Plaintiffs' Original Petition is attached as Exhibit "C," a copy of the Civil Case Information Sheet is attached as Exhibit "D." Plaintiff's request for preparation of Citation for Service upon State Farm Lloyds is attached as Exhibit "E," the Citation for Service is attached as Exhibit "F," Officer's Return is attached as Exhibit "G," and a copy of State Farm Lloyds' Original Answer is attached as Exhibit "H."

6. Venue is proper in this Court under 28 U.S.C. §1441(a) because this district and division embrace Taylor County, Texas, the place where the removed action has been pending and where the incident giving rise to this lawsuit took place.

II.

BASIS FOR REMOVAL

7. Removal is proper based on diversity of citizenship under 28 U.S.C. §§1332(a), 1441(a) and 1446.

A. The Parties Are Of Diverse Citizenship

8. Plaintiffs are, and were at the time the lawsuit was filed, residents and citizens of Texas. *See* Pl's Original Pet., Exhibit C, ¶ 3.

9. Defendant State Farm is, and was at the time the lawsuit was filed, a citizen of the states of Illinois, Colorado and Pennsylvania. State Farm is a “Lloyd’s Plan” organized under Chapter 941 of the Texas Insurance Code. It consists of an association of underwriters, each of whom, at the time this action was commenced were, and still are, citizens and residents of the states of Illinois, Colorado and Pennsylvania. Therefore, State Farm is a citizen and resident of the states of Illinois, Colorado and Pennsylvania for diversity purposes. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5th Cir. 1993); *Massey v. State Farm Lloyd’s Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998) (“the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters.”); *Rappaport v. State Farm Lloyd’s*, 1998 WL 249211 (N.D. Tex. 1998) (finding that State Farm Lloyds is an unincorporated association whose members are completely diverse with Plaintiff, and denying remand).

10. Because Plaintiffs are citizens of Texas and Defendant State Farm is a citizen of Illinois, Colorado and Pennsylvania, complete diversity of citizenship exists among the parties.

B. The Amount in Controversy Exceeds \$75,000.00

11. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff’s Petition expressly alleges that “Plaintiff seeks monetary relief over \$100,000.00 but not more than \$200,000.00.” See Exhibit C ¶ 70. Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

**III.
Conclusion and Prayer**

13. All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. Accordingly, Defendant State Farm Lloyds hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson

State Bar No.: 24029862

Adrienne B. Hamil

State Bar No. 24069867

THOMPSON, COE, COUSINS & IRONS, L.L.P.

700 N. Pearl Street, 25th Floor

Dallas, Texas 75201

Telephone: (214) 871-8200

Facsimile: (214) 871-8209

Email: ρθompson@thompsoncoe.com

Email: ahamil@thompsoncoe.com

COUNSEL FOR DEFENDANT

STATE FARM LLOYDS

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2015 a true and correct copy of the foregoing has been forwarded to counsel of record in accordance with Rule 5(b)(2) Federal Rules of Civil Procedure:

Via: Facsimile and Email

Bill L. Voss

Scott G. Hunziker

Clayton Hardin

THE VOSS LAW FIRM, P.C.

26619 Interstate 45 South

The Woodland, Texas 77380

Facsimile: (713) 861-0021

Email: bill.voss@vosslawfirm.com

scott@vosslawfirm.com

clayton@vosslawfirm.com

Counsel for Plaintiffs

/s/ Adrienne B. Hamil

Rhonda J. Thompson

Adrienne B. Hamil